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ABROAD AT HOME

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Lust For Power

JEANE Kirkpatrick has just performed a valuable service for American democracy. She has given us a glimpse of the authoritarian mentality that lies beneath the genial surface of the Reagan Administration: its lust for power without accountability.

In a newspaper column Mrs. Kirkpatrick denounced Prof. Abram Chayes of the Harvard Law School for representing Nicaragua in its World Court suit against the United States. An American lawyer who thus opposes his own Government, Mrs. Kirkpatrick said, violates "a citizen's obligation to support decisions made through normal democratic processes."

By what "normal democratic process" did the American polity approve a war against the Government of Nicaragua? Approve the creation and funding of a "contra" force to fight that war? Approve American direction of the force? Approve the use of terrorist methods? Approve the mining of harbors, the destruction of crops, the shooting of wedding parties?

The American people did not approve those actions, and the Reagan Administration knows they would not. That is why the President and his cohorts have carried out their Nicaragua policy by stealth and lies.

The Administration said the objective of the contra war was to interdict

weapons shipments to Salvadoran guerrillas, but Mr. Reagan himself made clear that the purpose was to overthrow the Government of Nicaragua. The Administration pretended that Nicaraguans were running the show when Americans were. A year after Congress barred a C.I.A. role, we learned that a National Security Council staff member was supervising the covert war.

All that is what Jeane Kirkpatrick means by "normal democratic processes." She means a political system in which the Executive does what it wants, unhampered by any duty to account for its actions. It is the model followed in many countries, but it is not what George Washington and James Madison had in mind at our Constitutional Convention.

That the Reagan Administration wants power without accountability is not news. President Reagan has tried to give the United States an Official Secrets Act by executive order, without legislation. He has declared "national emergencies" in order to impose economic sanctions without Congressional approval. He has made recess appointments to avoid the inconvenience of Senate confirmation. He resisted any restraint on his rash use of troops in Lebanon.

But Nicaragua is the most dangerous example of the authoritarian tendency. It is also the most discouraging, for those of us who count on Congress to rein in an overweening Executive.

When Congress last summer approved "humanitarian assistance" to the contras, it appeared to exclude an American military role. But while practically nobody noticed, it opened the back door to just such a role.

A supplemental appropriations bill, now law, allows U.S. authorities to "exchange information" with the contras. And Representative Dave McCurdy, Democrat of Oklahoma, succeeded in writing into the Intelligence Authorization for 1986 language that the report says would permit "provision of intelligence information or advice to the contras."

Edgar Chamorro, a former contra leader, told the World Court in an affidavit what such "information" means. Among other things, he said the C.I.A. advised the contras of "the precise locations of all Nicaraguan Government military units." That is what the legislation would evidently allow. Mr. McCurdy and his colleagues say they are against U.S. intervention while actually allowing it.

The example of the Chamorro affidavit shows one function of the World Court hearings: to bring out the facts of what the United States is doing in Nicaragua. That is accountability — which the Reagan Administration has tried to duck by running away from the World Court proceeding and smearing the court.

I should say that I am a friend of Professor Chayes. When he was Legal Adviser to the State Department during the Cuban missile crisis, I saw his insistence on respect for law in the Kennedy Administration's responses. I know his devotion to the American principle that power must answer to law.

Mrs. Kirkpatrick does not believe in that principle. She thinks the end of effective executive power justifies the means. She thinks the duty of American lawyers is to cheer what their Government does; however lawlessly. She is ignorant of the part that law has played — law and independent lawyers — in making America strong and free. — □